



सत्यमेव जयते

राजस्थान राजपत्र
विशेषांक

RAJASTHAN GAZETTE
Extraordinary

साधिकार प्रकाशित

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राज्य सरकार तथा अन्य राज्य प्राधिकारियों द्वारा जारी किये गये कानूनी आदेश तथा
अधिसूचनाएं।

HOME (GROUP-X) DEPARTMENT
NOTIFICATION

Jaipur, August 16, 2024

S.O.63 .-Whereas, it is expedient for fair and speedy trial that the process issued by Courts are generated, issued and executed through secured electronic mode and by use of secured electronic communication;

Whereas, the Bharatiya Nagrik Suraksha Sanhita, 2023, hereinafter referred to as the 'Sanhita', under Chapter VI recognises summons in an encrypted or any other form of electronic communication;

Whereas, section 530 of the Sanhita provides for issuance, service and execution of summons and warrant as well as all proceedings in electronic mode or by use of electronic communication;

And whereas, the District Judiciary and the Police in the state of Rajasthan have secured, efficient and self-sufficient portals namely Case Information System (CIS), National Service and Tracking of Electronic Processes (NSTEP), Crime and Criminal Tracking Network and Systems (CCTNS) and Inter-operable Criminal Justice System (ICJS) which are competent to facilitate generation, transmission, service, acknowledgment and report generation of the processes issued by criminal courts;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 64 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act No. 46 of 2023), the State Government hereby makes the following rules, namely:-

1. Short title, commencement and extent.- (1) These rules may be called the Rajasthan Electronic Processes (Issuance, Service and Execution) Rules, 2024.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) They shall extend to whole of the State of Rajasthan.

2. Definitions.- (1) In these rules, unless the context otherwise requires,-

(a) "Crime and Criminal Tracking Network and Systems (CCTNS)" means a software/web portal used by the Police for data collection and execution of instructions;

(b) "Case Information System (CIS)" means a software/web portal used by the Court for the data collection and execution of instructions;

(c) "**Code**" means the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974);

(d) "**Electronic Communication**" means the communication of any written, verbal, pictorial information or video content, transmitted or transferred (whether from one person to another or from one device to another or from a person to a device or from a device to a person) by means of an electronic device including a telephone, mobile phone, or other wireless telecommunication device, or a computer, or audio-visual player or camera or any other electronic device or electronic form as may be specified by the High Court;

(e) "**Electronic Signature**" means authentication of any electronic record by a subscriber or court by means of the electronic technique specified in the Second Schedule of the Information Technology Act, 2000 and includes digital signature. Also, when a process or report generated in electronic form is authenticated by means of electronic signature, it shall be deemed to be authenticated by signature of the person who affixed the electronic signature;

(f) "**General Rules**" means General Rules (Civil & Criminal), 2018;

(g) "**High Court**" means the Rajasthan High Court;

(h) "**National Service and Tracking of Electronic Processes (NSTEP)**" means an android OS App used for service and delivery of Court processes;

(i) "**Process**" includes summons, warrant or any other forms set forth in the Second Schedule of the Sanhita or of the Code, with such variations as the circumstances of each case require, issued for the respective purposes mentioned in the Sanhita;

(j) "**Recognised Electronic Mail Address**" means the e-mail account of a person or organization used to send and receive messages over Internet, which is shown to be admitted, used, or provided by such person or organization, either personally or on a website or portal;

(k) "**Register**" means the register mentioned in Form appended to these rules;

(l) "**Sanhita**" means the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act No. 46 of 2023);

(m) "**Seal**" means image of seal of the Court;

(n) "**State**" means the State of Rajasthan;

(o) "**Summons**" means any summon issued under Chapter VI of the Code or Sanhita; and

(p) "**Warrant**" means and includes bailable warrant and non-bailable warrant.

(2) Words and expressions used and not defined in these rules, shall have the same meaning as assigned to them in the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act No. 46 of 2023), the Bharatiya Nyaya Sanhita, 2023 (Central Act No. 45 of 2023), and the Information Technology Act, 2000 (Central Act No. 21 of 2000).

3. Application.- (1) These rules shall apply to all classes of Courts mentioned in section 6 of the Code and Sanhita. They shall apply to cases governed by the Sanhita and also by the Code.

(2) These Rules shall be in addition to any other law or General Rules made by the Rajasthan High Court for the time being in force for issuance, service and execution of process by Courts.

4. Electronic Process.- The Courts may generate and issue process in electronic mode through CIS or NSTEP in such forms as set forth in the Second Schedule of the Code or Sanhita, as the case may be, with such variations as the circumstances of each case require.

5. Language of the Processes.- Every process issued in form of electronic communication under the Sanhita shall ordinarily be in Hindi, written in Devnagri Script and shall be in an encrypted or any other form of electronic communication and shall bear the image of the seal of the Court and digital signature. The Court may however direct the process to be issued in English language, if deemed expedient.

6. Officer In-charge of Police Station to maintain contact information.- (1) The Officer In-charge of the Police Station shall ensure that the verified details relating to address, recognised electronic mail address, phone number and messaging application used by the informant or victim or accused or witnesses, as the case may be, are recorded during arrest, investigation or inquiry and entered in CCTNS.

(2) Such information shall also be entered in the Register maintained at the Police Station in compliance with sub-section (1) of section 64 of the Sanhita. If any of such information is not available, the Officer In-charge of the Police Station shall make an endorsement to that effect in the Register. Such information may be amended on the basis of any further verification or on the basis of an application by such person.

7. Complainant to provide information.- Where a case is filed on the basis of a private complaint, the complainant shall file the details relating to address, recognised electronic mail address, phone number and messaging application of the accused and witnesses, if known to him, along with the complaint. If any of such information is not available, the complainant shall make an endorsement to that effect.

8. Information to be used for issuance of process.- The details relating to address, recognised electronic mail address, phone number and messaging application shall be transmitted in electronic form and maintained in CIS and may be used for issuance of process. Such digital information shall form part of the Register.

9. Information not to be disclosed.- (1) The information relating to recognised electronic mail address, phone number and messaging application of the informant, victim and witnesses shall not be provided to the accused while supplying copies under section 207 and 208 of the Code or section 230 and 231 of the Sanhita.

(2) The Officer In-charge of the Police Station shall also ensure that such information should not be disclosed while preparing copies under sub-section (8) of section 173 of the Code or sub-section (8) of section 193 of the Sanhita.

10. Authentication of Processes.- (1) Every process issued electronically shall contain electronic signature in such a manner that the name of the Court or the capacity in which the signatory or subscriber acts, is clearly mentioned.

(2) The summons generated in electronic form shall bear seal along with the electronic signature of the Clerk of Court or the Reader or any person authorized in writing in this regard as the case may be.

(3) Every warrant of arrest in electronic form shall be issued by electronic signature of the Presiding Officer of the court and shall also bear the image of the

seal of the court.

11. Presumption of Processes.- Where the processes generated in electronic form are received on CCTNS through a secured system, in an encrypted or any other form of electronic communication, it shall be presumed to be issued by the Court. Further, any printout of such processes shall have the same effect as issued in original for the purpose of its execution.

12. Summons how served.- (1) The court may issue process in electronic mode through CIS/NSTEP.

(2) The court may also direct a police officer, or an officer of the Court issuing it or other public servant to issue the process.

(3) The Officer In-charge of the Police Station or any subordinate Officer deputed by him, upon receipt of summons issued in form of electronic communication by the Court, shall forward the summons on the recognized electronic mail address, phone number or messaging application of the person summoned.

13. Acknowledgment of service.- (1) Where summons are served by way of electronic mail, the electronic mail service provider shall be used in such a manner so as to generate acknowledgment and such acknowledgment shall form part of the report of service.

(2) When any process is sent to a person or organization on recognized electronic mail address, unless the delivery of the electronic mail is disrupted or bounced back for any reason whatsoever, or a "return to sender", "bounced back" or "error" message is received from mail server, the delivery may be deemed to be effected, at the time at which the electronic mail would be delivered in the ordinary course of email, unless contrary is proved.

Explanation: The ordinary course of email may be determined in accordance with section 13 of The Information Technology Act, 2000.

(3) Where summons are served by way of any other electronic communication including messaging application, the acknowledgment shall form part of the report of the service and the report shall contain details including mobile number, messaging application and screenshot/photo of the application reflecting delivery of the communication.

(4) Such delivery shall be deemed to be due service of summons/process and a copy of such summons/process along with report of service shall be kept in record as a proof of service of summons/process..

Explanation: Acknowledgment under this rule includes an acknowledgment given by,-

(i) any communication by the addressee, automated or otherwise; or

(ii) any conduct of the addressee, sufficient to indicate to the originator that the electronic record has been received.

(5) Where any process is served or executed otherwise through electronic mode, the Police Officer while making service or executing the process shall capture photographs and take acknowledgment of the recipient, which shall form part of the report of the service.

14. Lack of information of the summoned person.- In case, verified information of the email address, phone number or messaging application relating to the person summoned are not available, the Officer In-charge of the Police Station or

any Police Officer deputed by him shall make an entry in that regard and after taking printout in duplicate of the summons issued in electronic mode, shall serve the same in accordance with procedure prescribed under Chapter VI of the Code or Sanhita.

15. Summons not served.- When summons are not served by an electronic mail or other mode of electronic communication or delivery is disrupted and bounced back for any other reason, the Officer In-charge of the Police Station or any Police Officer deputed by him shall prepare a report in that regard containing all including mobile number, messaging application screenshot/photo of the application and shall proceed as per rule 14 for service of the summons.

16. Warrant how served.- In case warrant or any other process is issued in electronic mode, the Officer In-charge of the Police Station or any Police Officer deputed by him shall take a printout of the warrant or process and execute the same in accordance with the Code or Sanhita and the rules made in that regard.

17. Service report to the court for pending service of processes.- Upon due service or non-service of the process, the serving officer of the concerned Police Station shall transmit the service report along with relevant documents including bail bonds, photographs, screenshots, acknowledgment, if any, to the concerned Court in electronic form through CCTNS/NSTEP, and shall also forward such service/execution report in physical form.

18. Consideration of service report.- The Court, after receiving the report in electronic form under rule 17, may act upon such report. Such report or printout of such report shall be treated to be original for the purpose of satisfaction as to the service/execution of the process.

19. Identity in some cases not to be disclosed.- Where any process is issued in cases relating to offences under sections 376 to 376E of the Indian Penal Code, 1860 or sections 64 to 71 of the Bharatiya Nyaya Sanhita, 2023 or offences against woman or child, the Officer In-charge of the Police Station shall ensure that the identity of the victim is not revealed in any manner in course of service or execution. Further, in such cases, the report in physical form shall be submitted in a sealed envelope to the Court.

20. Processes in Pending Matters Under the Code.- Nothing in these rules shall be deemed to limit the powers of the Courts to generate and direct service or execution of processes under these rules, in pending matters governed by the Code of Criminal Procedure, 1973.

FORM
Register Under Section 64(1) of BNSS, 2023

S. N.	FIR No. Police Station	Court Name & Place	Case Title	CNR Number	Date of issue of process by the Court and Name and Address of person summoned or against whom warrant is issued	Process Type	Appearance Date	Offence Under	Relative Name, if summon served	Process Service Status	Comments
1											
2											
3											

[File No.F.14(6)Misc./Home-10/2024]
By order of the Governor,

Ravi Sharma,
Secretary to the Government.

Government Central Press, Jaipur.